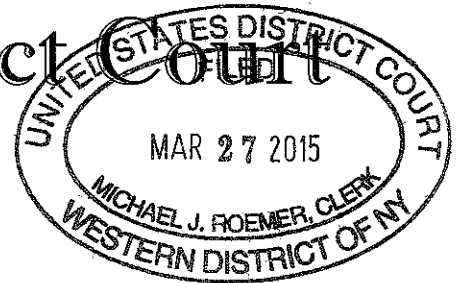


# United States District Court

for the  
Western District of New York



United States of America

v.

Case No. 15-MJ- 562

JASON CORTESE,

*Defendant*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Between in or about May 14 2014 through to on or about July 15, 2014, in the County of Monroe, in the Western District of New York, the defendant violated Title 18 U.S.C. §§ 2251(a), 2422(b) and 2252A(a)(5)(B), said offenses described as follows:

the defendant did knowingly employ, use and attempt to use, persuade, induce, entice or coerce a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and knowing or having reason to know such visual depiction would be transported or transmitted in or affecting interstate commerce by any means, including by computer, all in violation of Title 18, United States Code, Section 2251(a) AND did knowingly attempt to entice a minor using a means and facility of interstate commerce to engage in sexual activity for which a person can be charged with a criminal offense, all in violation of Title 18, United States Code, Section 2422(b) AND did knowingly distribute and possess material that contained an image of child pornography that had been produced using materials that had been mailed, shipped or transported in or affecting interstate or foreign commerce by any means including by computer, all in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(a)(5)(B).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: March 27<sup>th</sup>, 2015

27<sup>th</sup>

City and State: Rochester, New York

*Complainant's signature*

Barry W. Couch, Special Agent  
Federal Bureau of Investigation

*Printed name and title*

*Judge's signature*

HONORABLE JONATHAN W. FELDMAN  
UNITED STATES MAGISTRATE JUDGE

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

STATE OF NEW YORK )  
COUNTY OF MONROE ) ss:  
CITY OF ROCHESTER )

I, Barry W. Couch, having been first duly sworn, do hereby depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation, and have been so for approximately six years. I am currently assigned to investigations involving crimes against children, as well as other criminal investigations.

2. This affidavit is submitted for the limited purpose of establishing probable cause to believe that JASON CORTESE, born xx/xx/1981, did knowingly attempt to entice a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and had reason to know that such visual depiction would be transported or transmitted in interstate or foreign commerce, in violation of Title 18, United States Code, Section 2251(a), did knowingly, using a facility or means of interstate or foreign commerce, attempt to entice a minor to engage in sexual activity for which a person can be charged with a criminal offense, in violation of Title 18, United States Code, Section 2422(b), and did knowingly distribute and possess material that contained an image of child pornography that had been produced using materials that had been mailed, shipped or transported in or affecting interstate or foreign commerce by any means including by computer, in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(a)(5)(B).

3. The information contained in this affidavit is based upon my personal knowledge and observation, my training and experience, conversations with other law enforcement officers and witnesses, and the review of documents and records. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause that JASON CORTESE did knowingly violate Title 18, United States Code, Section 2251(a); Title 18, United States Code, Section 2422(b); and Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(a)(5)(B).

4. On July 15, 2014, Cooperating Witness #1 (CW1) reported to the Chandler Arizona Police Department a sex offense occurring between "JAY CORTESE" and CW1's twelve year old niece, Cooperating Witness #2 (CW2). Chandler Police spoke with both CW1 and CW2. CW2 was from Rochester, New York, but was visiting CW1 and CW1's family. CW1 reported that he had discovered messages between CW2 and CORTESE on CW2's cell phone that created a "red flag" to him. One of the messages from CORTESE to CW2 said, "good morning beautiful", while another was CORTESE asking if CW2 was home and asking if it was safe to message her. CW1 was concerned because he knew who CORTESE was due to going to high school with him and knew him to be over thirty years old. CW2 had disclosed to CW1 that CORTESE had asked her to send him photographs of herself. CW2 also reported that CORTESE did send a picture of his penis to CW2.

5. CW2 explained that she first met CORTESE on Facebook when her stepmother had posted something about getting tickets to see a musical band. CW2 made a reply comment saying she wanted to go. CORTESE, a friend of CW2's stepmother, also

made a comment about wanting to go and suggested they go together. CW2 said she was aware of CORTESE by name being a family friend. From that point, CORTESE would message CW2 directly. CW2 indicated she also communicated with CORTESE on Kik and Instagram. She said she blocked CORTESE from her Kik and Instagram accounts because he was being "creepy". CW2 also provided her Kik username. Kik is a chatting software application that is used on the internet throughout the world, and is therefore a means of interstate and foreign commerce.

6. On July 15, 2014, Chandler Police retrieved CW2's cell phone referred to above from CW1 and CW2 and called and got consent from CW2's father to search the content of the phone. Later on July 15, 2014, Chandler Police performed an extraction on CW2's cell phone and discovered sexual chat messages between CW2 and another Kik user, "phatu81, jay c".

7. On July 15, 2014, CW2's stepmother also sent a Facebook message to CORTESE that said, "Hey we got to talk. My daughters uncle just went through her phone and found you on there asking her to instant message you. She's 12 I'm not sure what is going on here but her father is going to be irate. You are an adult and should not be talking to a 12 year old at all. I'm pretty upset you need to message me soon." CORTESE responded, "I'm sorry!! I stopped. She said to ask questions from a thing she posted on here. And after a couple I was like ummm no I don't need to be asking these I had stopped and I deleted her too. It won't happen again. I promise!! I def shouldn't have started asking her those but I honestly was bored and that's all. Just purely harmless. But like I said won't happen again. And I totally understand why you would be upset. I also would be!" Attached to the messages CORTESE sent, was an avatar picture that appears to show a

picture of CORTESE. Also attached to the message was a Facebook geolocate picture that appears to show the message originated from a physical location that matches the physical location of 93 Long Pond Road Apartment B, Rochester, New York 14612.

8. As of March 18, 2015, what appeared to be the same avatar picture, that was attached to the Facebook messages referred to above sent to CW2's stepmother, was on "JAY CORTESE's" publically available Facebook account, in his profile pictures album. That picture of CORTESE and other pictures of CORTESE on his Facebook account appear to depict the same Jason CORTESE that the New York Department of Motor Vehicles has a photo of and currently shows residing at 93 Long Pond Road, Rochester, New York 14612. Accurint.com, an online database available to law enforcement, shows Jason CORTESE as a current resident of 93 Long Pond Road Apartment B, Rochester, New York 14612.

9. In December 2014, TFO Chris Harrington was notified by the Irondequoit, New York, Police Department of the above case, and received the documentation on the case, to include a copy of the phone extraction from CW2's cell phone. I have reviewed the Kik chat messages between CW2 and "phatu81, jay c", and did observe that they were sexual in nature. The chats quickly start out on May 13, 2014, with "phatu81, jay c" stating, "Hmmmmmm what would u do if I shot a cumshot on that pic of urs and sent it to u?". CW2 responded, "I don't understand". "phatu81, jay c" then replied, "Yesss. U can fuck him and while ur riding him u would be sucking his balls, licking his dick and ur pussy at the same time!!!". Soon thereafter, "phatu81, jay c" asks CW2, "Would u suck a 6 years olds cock?? And u don't have to be flexible. U just ride his cock and I would be doing all the licking!" A few minutes later, "phatu81, jay c" asks CW2, "Can I get a pix quick to keep my mind

entertained lolol". CW2 responded, "Pix of what". "phatu81, jay c" soon replied, "Ur tits? Pussy? Pleaseeee". CW2 then states, "Gooooooooodnight jayyyyyyy".

10. On May 14, 2014, CW2 states, "Have to pee hold on". "phatu81, jay c" responded, "U can show me ur pussy then hahaha. Perfect timing". Later that day, "phatu81, jay c" asks CW2, "When's ur bday?". CW2 responded by providing her true date of birth, indicating she was twelve years old. A couple hours later, CW2 and "phatu81, jay c" are in an apparent discussion about CW2's relationship with another individual, and "phatu81, jay c" asks CW2, "She don't mind ur 13??" A couple hours later, "phatu81, jay c" asks CW2, "What do u think about that makes ur panties wet?" Minutes later, "phatu81, jay c" tells CW2, "I have some new dick pix that were sent to me if u want". Several minutes later, "phatu81, jay c" asks CW2, "have u ever let ur dog lick u?", soon followed by, "U know how many girls actually do that?!?!", and then, "It feels awesome. I swear". Several minutes later, "phatu81, jay c" asks CW2, "U ever play with ur ass??" CW2 responded, "Not really". "phatu81, jay c" then replied, "Not really?? Why nottt. It feels good but weird at first". Minutes later, "phatu81, jay c" states, "I just want some cute dick!! Lol", soon followed by, "Can I give ur kik to a 15yo bi girl??" Minutes later, "phatu81, jay c" asks CW2, "So would u have sex with a guy right now?? U think u can handle that?", soon followed by, "My dicks way too thick for most lolol".

11. On May 15, 2014, "phatu81, jay c" asks CW2, "U show her ur tittys?", then, "I've been craving to see those soooo bad!!!", soon followed by, "It's OK to be naughtyyyy sometimes!".

12. On May 16, 2014, after CW2 told “phatu81, jay c” that an activity he said he had done was horrible, “phatu81, jay c” tells CW2, “I’m being scolded by a 13yo.” Later that day, “phatu81, jay c” asks CW2, “U ever call a guy daddy?? Like sexually?”, soon followed by, “Call me daddy hehehe lolol”, and then, “And will u now be my sexy slutty daughter from Now on????”. Shortly thereafter, “phatu81, jay c” asks CW2, “Do u like daddy’s thick dick??”, and then, “Did u wish daddy was around for u to play with it when u were younger and being a slutty 8 year old??”, followed by, “Does daddy get sexy pix of his slutty daughter??? Secretive ones????”. Soon thereafter, “phatu81, jay c” tells CW2, “Go to ur room for daddy”, followed by, “I want u to rub urself. Awwwww. Cover with a blanket. And rub urself”. Minutes later, “phatu81, jay c” asks CW2, “Will u lick daddy’s dick?”. “phatu81, jay c” then asks CW2, “Like what if I had u babysit my daughter....and I told u to try things with her??”, soon followed by, “Would u play with her? If I said it was ok?? Or atleast try to get her to play?? She’s just starting to get tittys and get a few pubes”. Minutes later, “phatu81, jay c” tells CW2, “Btw u have a sexy body”, followed by, “Soooo what if it was just me and u here...and xxxx(name) was already sent to bed....”, then, “As long as I got to suck those nipples that I can’t wait to see”, followed by, “Andddd lay u down. Spread ur legs and lick u...”.

13. On May 17, 2014, “phatu81, jay c” asks CW2, “Does daddy get to see his sexy daughter Layin in her bed today?!?”. Minutes later, “phatu81, jay c” asks CW2, “Pretty pleaseeee take one for me??”, then, “Before I fall asleep so I have something to dream about?? Just ur tits??” Later that day “phatu81, jay c” directs CW2 to send a message to what appears to be his own daughter and tells CW2 to tell his daughter she wants to get to know her. “phatu81, jay c” appears to provide the daughter’s email address to CW2.



14. On May 25, 2014, CW2 tells "phatu81, jay c", "I'll be 13 in September". Several minutes later, CW2 asks "phatu81, jay c", "Lemme see a pic of your wife". "phatu81, jay c" responded, "Ok", and then sent CW2 a picture that depicts what appears to be JASON CORTESE and his wife, Kari Cortese. In the picture, the man and woman appear to be the same JASON CORTESE and Kari Cortese that the New York State Department of Motor Vehicles has photos on file of. The picture "phatu81, jay c" sent CW2 also appears to be the same picture that JASON CORTESE had as his current profile picture on his Facebook account on March 19, 2015.

15. On May 27, 2014, "phatu81, jay c" asks CW2, "How was school", followed by, "U in 6<sup>th</sup> or 7<sup>th</sup>." Later on May 27, 2014, "phatu81, jay c" tells CW2, "We can't really tell ur mom anything we talk about lolol. Or anyone for that matter. That's why what we talk about stays between us!". Minutes later, "phatu81, jay c" asks CW2, "Would u use a vibrator if I bought u one???".

16. On May 28, 2014, "phatu81, jay c" tells CW2, "Bet u get soooo hard around my thick dick and make my dick hurt while u cum all over it," and then, "But I'd prob hurt u sticking my dick in u. It's both pain we would both enjoy tho!!". Minutes later, "phatu81, jay c" asks CW2, "What will it take to get pix". CW2 responded, "I don't wanna send you pics".

17. On May 29, 2014, "phatu81, jay c" tells CW2, "There's gotta be a way I can see u without anyone knowing somehow". CW2 responded, "You could always uhmmm. Idk. Go somewhere I'm going. Like if I go to the mall". "phatu81, jay c" replied, "Well ya. That's an option. But u wouldn't be alone at the mall...And whoever ur with will wonder



why the hell ur talking to an old dude like me lol". CW2 responded, "Sometimes. If I bring someone she let me go by myself". "phatu81, jay c" replied, "Ooooh ok. Well u will have to let me know when that is!". CW2 responded, "Ok". "phatu81, jay c" then stated, "I have other ideas too. Like I really wanna try that babysitting idea!".

18. On June 8, 2014, "phatu81, jay c" asks CW2, "Wanna have play time?". CW2 responded, "Sure. You already saw my pussy. And I don't feel like taking off all the clothes I have to show you tits." "phatu81, jay c" soon states, "U can just left ur shirt for daddy Like a good daughter. They don't have to be taken off. U gonna rub ur hairy little pussy?? Prettty please U horny?". Several minutes later, "phatu81, jay c" asks CW2, "Is my daughters pussy wet yet???" CW2 responded, "Almost". "phatu81, jay c" replied, "Mmmmm Daddy wants to see soooo bad". Minutes later, "phatu81, jay c" states, "Baby lemme seee pleaseee", soon followed by, "Ur wet now huh??. CW2 responded, "Prolly". "phatu81, jay c" replied, "Mmmmm let daddy seeee please". CW2 responded, "Daddy already saw". "phatu81, jay c" replied, "I know but I wanna see it now. Like all wet from the pix and the story pleaseee".

19. On June 13, 2014, "phatu81, jay c" asks CW2, "Want some young pix?". CW2 responded, "Sure". "phatu81, jay c" then sends an image of two pre-teen girls exposing their vaginas, to CW2. Seconds later, "phatu81, jay c" sends CW2 a picture of a naked male and naked female approximately ten to twelve years old, both exposing their genitals. On June 20, 2014, "phatu81, jay c" sent CW2 a picture of a prepubescent female on her knees exposing her anus and vagina. Minutes later, "phatu81, jay c" sent CW2 a picture of a naked prepubescent female lying on her back while what appears to be a naked adult male is inserting his penis into her anus. Based upon your affiant's training and

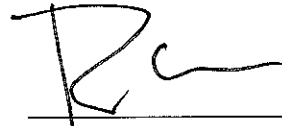
experience in the investigation of child pornography cases, these images constitute child pornography as defined by Title 18, United States Code, Section 2256(8).

20. On February 25, 2015, TFO Harrington observed an interview of CW2 at the Bivona Child Advocacy Center. During that interview, CW2 stated that CORTESE sent her pictures of his “lower part” more than one time. CW2 also said that CORTESE asked her to send pictures of herself back to him showing the same “lower part” on her and that he would ask her every time he sent a picture to her.

21. It is a criminal offense, for which a person can be charged in the State of New York, to attempt to cause a twelve year old child to produce sexually explicit pictures of themselves over the internet, and to send images of child pornography to a twelve year old child over the internet.

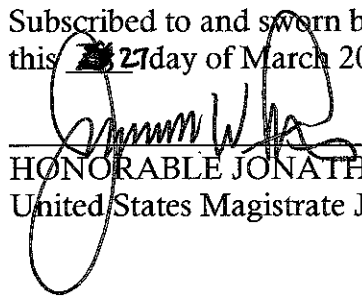
Based upon the foregoing, your affiant respectfully submits that there is probable cause to believe that JASON CORTESE has violated Title 18, United States Code, Section 2251(a), knowingly attempting to entice a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and had reason to know that such visual depiction would be transported or transmitted in and affecting interstate or foreign commerce using a means or facility of interstate or foreign commerce; Title 18, United States Code, Section 2422(b), knowingly attempt to entice a minor using a means and facility of interstate commerce to engage in sexual activity for which a person can be charged with a criminal offense; and Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(a)(5)(B), knowingly distributed and possessed material that contained an image of child pornography that had been mailed, shipped or transported in or affecting interstate

or foreign commerce by any means including by computer. Due to the ongoing nature of this investigation, and the possibility of seriously jeopardizing the effectiveness of the investigation if information were made public, I request that the criminal complaint, arrest warrant and this application be sealed until the execution of the warrant.



BARRY W. COUCH  
Special Agent  
Federal Bureau of Investigation

Subscribed to and sworn before me  
this ~~26~~ 27 day of March 2015



HONORABLE JONATHAN W. FELDMAN  
United States Magistrate Judge